

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
3 ALCOHOLIC BEVERAGE CONTROL BOARD

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6 IN THE MATTER OF: :

7 IMA PIZZA STORE 14 LLC, : CASE: 16-PRO-00017

8 t/a & Pizza :

9 1375 Kenyon Street Northwest :

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10 License #ABRA-101679 :
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11  Retailer Class CR :
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13 Monday, April 11, 2016 :

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15 Monday, April 11, 2016

16 Whereupon, the above-referenced matter
17 came on for hearing at the Alcoholic Beverage
18 Control Board, Reeves Center, 2000 14th Street,
19 N.W., Suite 400S, Washington, D.C. 20009.

1 CHAIRPERSON:

2 LAVERNE FLETCHER, Presiding

3

4 OTHER PERSONS PRESENT

5 PAUL PASCAL

6 MIKE SALIS

7 RICHARD DUBESHTER

8 DAVID LEVY

9 ANNE THEISEN

10 JOHN HENDERSON

11 WILLIAM JORDAN

12 KELLY FRICK

13 ANDREW KRIEGER

14

1 P R O C E E D I N G S

2 [10:04 a.m.]

3 FLETCHER: Would the parties in the
4 matter of & Pizza come forward? This is Case
5 #16-PRO-00017. IMA Pizza Store 14, LLC, trading
6 as & Pizza. 1375 Kenyon Street Northwest,
7 license ABRA 101679. This is a Retailer Class CR
8 New Application. The protest issues are adverse
9 impact on peace, order and quiet. My name is
10 Laverne Fletcher. I'm conducting the roll call
11 hearing as the board's agent pursuant to D.C.
12 Official Code 1601.2. Introductions beginning
13 with the applicant, please.

14 MR. PASCAL: Good morning, Paul L. Pascal
15 of Pascal and Weiss on behalf of the applicant.

16 MR. SALIS: Mike Salis from & Pizza.

17 CHAIRPERSON FLETCHER: Mr. Salis would
18 you spell your last name please?

19 MR. SALIS: S-A-L-I-S.

20 CHAIRPERSON FLETCHER: Thank you very
21 much, and present on behalf of ANC 1A?

22 MR. DUBESHTER: Commissioner A106.

1 CHAIRPERSON FLETCHER: What's your name
2 again, Commissioner?

3 MR. DUBESHTER: First name Richard.

4 CHAIRPERSON FLETCHER: Richard --

5 MR. DUBESHTER: D-U-B-E-S-H-T-E-R.

6 CHAIRPERSON FLETCHER: Yes, thank you.

7 And so there's also a group of 10? If each
8 individual from that group who is present would
9 come behind the desk and table and state your
10 name and spell it for the record. Is there
11 anyone else present from the group of 10? Your
12 name, sir?

13 MR. LEVY: My name is David Levy, L-E-V-Y.

14 CHAIRPERSON FLETCHER: Thank you, Mr.
15 Levy.

16 MR. DUBESHTER: Also, I have two letters
17 for other people who didn't come.

18 CHAIRPERSON FLETCHER: I'll take those.
19 Thank you. Okay, there's a microphone right on
20 the table.

21 MS. THEISEN: Good morning, my name is
22 Anne Theisen, last name spelled T-H-E-I-S-E-N.

1 CHAIRPERSON FLETCHER: And Anne is there
2 an "e" on the end?

3 MS. THEISEN: Yes there is.

4 CHAIRPERSON FLETCHER: Thank you.

5 MR. HENDERSON: John Henderson.

6 CHAIRPERSON FLETCHER: Thank you, Mr.
7 Henderson.

8 MR. JORDAN: William Jordan, J-O-R-D-A-N.

9 CHAIRPERSON FLETCHER: Thank you.

10 MS. FRICK: Kelly Frick. It's K-E-L-L-Y.
11 Last name is F-R-I-C-K.

12 CHAIRPERSON FLETCHER: Thank you very
13 much. And --

14 MR. KRIEGER: I'm Andrew Krieger. Last
15 name, K-R-I-E-G-E-R.

16 CHAIRPERSON FLETCHER: Okay, thank you.
17 And Mr. Dubeshter are you also a member of the
18 group?

19 MR. DUBESHTER: Yeah.

20 CHAIRPERSON FLETCHER: So you're here,
21 you're here representing ANC 1A?

22 MR. DUBESHTER: Yeah.

1

2 CHAIRPERSON FLETCHER: And you're also
3 here as a member of these five.

4 MR. DUBESHTER: Yeah.

5 CHAIRPERSON FLETCHER: Okay, thank you.
6 You can be seated now. The group of 10 has
7 present seven individuals which means that the
8 group of 10 is granted full standing and at the
9 upcoming status hearing just the designated
10 representative needs to appear. You won't need
11 any additional people because at least five
12 appeared today. I'm sorry, I should be talking
13 to you, Mr. Levy. Are you representing the
14 group?

15 MR. LEVY: Well, I can. I mean, I turned
16 in letters of representation for two people who
17 aren't here.

18 CHAIRPERSON FLETCHER: Oh yes, I'm sorry.
19 Thanks for reminding me. I hadn't looked at
20 those yet. Yes, you also have letters of
21 representation from Otto Condon and there's a
22 letter of designation from Karen Kane.

1 MR. PASCAL: Ms. Fletcher I'd like to
2 know who I would be talking to from the group of
3 five or more, if I need to communicate, who would
4 be their designated representative? Because I
5 noticed in their protest that they didn't really
6 designate anyone, so if they want to designate
7 someone now so I'll know and be able to reach
8 out.

9 CHAIRPERSON FLETCHER: Exactly. And
10 that's going to be you, Mr. Levy --

11 MR. PASCAL: I have been dealing with the
12 ANC representative who is also part of the group.

13 MR. DUBESHTER: No, David will be
14 representing both groups. David will be the ten
15 and I'll be the ANC.

16 MR. PASCAL: That's fine, okay.

17 CHAIRPERSON FLETCHER: And all of the
18 other individuals present are in agreement with
19 Mr. Levy representing them as a group?

20 GROUP OF TEN: Yes. I am.

21 CHAIRPERSON FLETCHER: Okay, thank you
22 very much, then David Levy is the representative

1 of the group of ten. So, Mr. Levy, would you put
2 your contact information, oh you did already.

3 MR. LEVY: I just have, yes.

4 CHAIRPERSON FLETCHER: Okay then.

5 Advisory Neighborhood Commission 1A has standing
6 as a protestant, also the group of 10 has
7 standing as a protestant. We need to set a date
8 for mediation, a status hearing and a protest
9 hearing. I'll give you the dates of the status
10 and protest hearing first.

11 The date for the status hearing is May
12 11th, at 9:30 a.m. For your status hearing.

13 The protest hearing is set for June
14 8th at 1:30 p.m. That's June 8 at 1:30 for the
15 protest hearing. We need to set a date for
16 mediation to occur prior to the May 11 status
17 hearing. I'll give you the next available date.
18 If that doesn't work I'll just keep moving
19 through the calendar. The next available date
20 for mediation is Thursday, April 21, at 9:00,
21 10:00, 11:00 or 1:00. That's Thursday, April 21.

22 MR. PASCAL: How about 9:00 on that day?

1 CHAIRPERSON FLETCHER: That'S good on the
2 calendar.

3 MR. PASCAL: It doesn't disrupt the rest
4 of the day.

5 MR. DUBESHTER: Okay.

6 CHAIRPERSON FLETCHER: Is that good for
7 you, Mr. Levy?

8 MR. LEVY: Yes, thank you.

9 CHAIRPERSON FLETCHER: And Mr. Dubeshter,
10 that's good for the ANC also?

11 MR. DUBESHTER: Yeah, sure.

12 CHAIRPERSON FLETCHER: So, then mediation
13 is set for Thursday, April 21, at 9:00.

14 MR. DUBESHTER: Most likely the mediation
15 will be in this room.

16 MR. DUBESHTER: Okay.

17 CHAIRPERSON FLETCHER: But, you can check
18 in with the front desk and they'll probably just
19 direct you to come into this room. Any questions
20 at all?

21 MR. PASCAL: Now, if possible that the
22 group can stay here for a few minutes can we use

1 this room?

2 CHAIRPERSON FLETCHER: Take your time.

3 MR. PASCAL: Okay

4 CHAIRPERSON FLETCHER: The roll call
5 hearing is concluded so you can take your time.

6 MR. PASCAL: Thank you.

7 MR. LEVY: Thank you very much

8
9 (Whereupon, at 10:11 a.m., the above-entitled
10 matter was concluded.)

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